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APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/510,913	02/23/2000		Robert Lane Cook	25791.02	3719
27684 759	90 03/15/2004	04 EXAMINER		INER	
HAYNES AN	D BOONE, LLP	DOUGHERTY, JENNIFER R			
1000 LOUISIAN	NA			ART UNIT	PAPER NUMBER
SUITE 4300				ART UNIT	PAPER NUMBER
HOUSTON, TX	₹ 77002			3672	
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DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. 			Application No.	Applicant(s)					
Jennifer R. Dougherty 3672	. Office Action Summary		09/510,913	COOK ET AL.					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Eatherson of the margh exhalled words the provided used the provided reply is specified above is less than feity (00) days, a reply within the utilatory pricid will use provided for reply second or reply is specified above, the maximum statistyre pricid will apply and wite despice (S) (8) MCHT1S from the mailing date of this communication, we fit firmly filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 03 December 2003 . 2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under £x parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1.2.4.6.8 and 11-41 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 2.4.6.8 and 16-41 is/are allowed. 6) Claim(s) 1.2.15 is/are objected to. 6) Claim(s) 1.2.15 is/are objected to by the Examiner. 10) The specification is objected to by the Examiner. 10) The drawing(s) filed on 23 February 2000 is/are: a) accepted or b objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.86(a). 11) The proposed drawings are required in reply to this Office action. 12) The cath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)			Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Exercisions of time may be available under the provisions of 37 CFR 1.36(a). In no event, however, may a reply be timely filled Exercision of time may be available under the provisions of 37 CFR 1.36(a). In no event, however, may a reply be timely filled If the peaced to reply septified above, the maximum statutory provided under the statutory minimum of thinty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory provided will apply and vial septies SIX (8) NONTHS from the making date of this communication. Fastine to reply septified above, the maximum statutory provided will apply and vial septies SIX (8) NONTHS from the making date of this communication. Fastine to reply within the set of exercised period for regly will be patiate, can be specified become ABANDOCOCO. 50 SIX.5, 193. Status 1) □ Responsive to communication(s) filled on 03 December 2003. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1.2.4.6.8 and 11.41 is/are pending in the application. 4a) □ fille above claim(s)			Jennifer R. Dougherty	3672					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Expansions of them may be available under the provisions of 3° CFR 1.35(b). In no event, however, may a reply be timely filed Expansion of time may be available under the provisions of 3° CFR 1.35(b). In no event, however, may a reply be timely filed If the period for right specified above is like a than thinky (30) days, a reply within the adultutory minimum of thinty (30) days will be considered timely. If the period for right specified above is like a than thinky (30) days, a reply within the adultutory minimum of the considered price of the communication. False for the period for right specified above is like a than thinky (30) days, a reply within the set of criteria days and the specification to become ABANCONEO (55 U.3.5.13.5). False for the period of right specified above is like a than thinky (30) days and like grade of the communication, which is decided price of the communication, and the specification is provided in the case of the communication, and the specified of this communication, and the specified of the communication of the specified of the communication, and the specified of the communication and the specified of the specified on the spe		The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
THE MAILING DATE OF THIS COMMUNICATION. Estensions of time may be available under the provisions of 37 CPR 1.136(s). In no event, however, may a reply be liminly filed after SIX (6) MONTHS from the making date of this communication. If the period or neply weeffile those is less than thin (50) days, a reply veith in the standary minimum at filing (30) days will be considered timely. Failure to reply veithin the set or extended period for reply will, by statute, cause the application to become ABANDONED (38 U.S.C. § 13.3). Any reply received by the Office later than three mentiling date of this communication, even if timely filed, may reduce any example patent time adjustment. See 37 CPR 1.764(b). Status 1) Responsive to communication(s) filed on 03 December 2003. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 12.4.6.8 and 11.41 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 2.4.6.8 and 11.41 is/are allowed. 6) Claim(s) 12.15 is/are objected to. 8) Claim(s) 12.15 is/are objected to. 8) Claim(s) 12.15 is/are objected to by the Examiner. 10) The drawing(s) filed on 23 February 2000 is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) The translation of the foreign language provisional application has been rece		• •							
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Application/Control Number: 09/510,913

Art Unit: 3672

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Reimert et al. (US 6,056,324).

Reimert et al. includes all the limitations of claim 1 including: a first tubular member (14), a second tubular member (18), and the two members overlapping with equal inner diameters (figure 1).

With respect to claim 11, Reimert et al. also teaches overlapping and equal diameters (figure 1).

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Allowable Subject Matter

- 3. Claims 2, 4, 6, 8 and 16-41 are allowed.
- 4. Claims 12-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1 and 2 have been considered but are most in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Dougherty whose telephone number is (703) 308-6365. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell, can be reached on (703) 308-2151. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

jrd March 2, 2004 SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600